

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MICHELE A. CORNELIUS,

Plaintiff,

vs.

CVS PHARMACY, INC.,
NEW JERSEY CVS PHARMACY, L.L.C.,
and SHARDUL PATEL,

Defendants.

Civil Action No. 2:23-cv-01858-SDW-AME

**DEFENDANTS' NOTICE OF MOTION
TO DISMISS, OR ALTERNATIVELY
TO STAY ACTION, AND
TO COMPEL ARBITRATION**

(Electronically Filed)

Return Date: June 20, 2023

TO: Alex G. Leone, Esq.
LEONE LAW LLC
195 Maplewood Avenue
Suite 1, P.O. Box 1274
Maplewood, New Jersey 07040
alex@juvenilejusticeattorney.com

Attorney for Plaintiff Michele Cornelius

COUNSEL:

PLEASE TAKE NOTICE that on June 20, 2023 at 9:00 a.m., or as soon thereafter as counsel may be heard, Defendants CVS Pharmacy, Inc., New Jersey CVS Pharmacy, L.L.C. and Shardul Patel (collectively, "Defendants"), by and through their attorneys, Littler Mendelson, P.C. (Marcy A. Gilroy, Esq., appearing) shall move before the Honorable Susan D. Wigenton, U.S.D.J., United States District Court for the District of New Jersey, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07101, for an Order pursuant to the Federal Arbitration Act, 9 U.S.C. § 1 *et. seq.*, granting Defendants' Motion To Dismiss, or Alternately to Stay and to Compel Arbitration.

PLEASE TAKE FURTHER NOTICE that, at the time and place aforesaid, Defendants will rely upon the accompanying Memorandum of Law in Support of Defendants' Motion to

Dismiss, or Alternatively to Stay this Action, and to Compel Arbitration and Declaration of Robert Bailey dated May 22, 2023, which accompany this Notice of Motion, and all other matters of record filed in this case.

A proposed form of Order is submitted herewith.

Defendants request oral argument only to the extent that this motion is opposed by Plaintiff.

Dated: May 23, 2023
Newark, New Jersey

Respectfully submitted,

LITTLER MENDELSON, P.C.

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Attorneys for Defendants

By: s/ Marcy A. Gilroy
MARCY A. GILROY

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of May 2023, the foregoing Notice of Motion, along with Defendants' Memorandum of Law, the Declaration of Robert Bailey with exhibits, and a proposed form of Order were filed by CM/ECF with the Clerk of the Court and served upon Plaintiff's counsel as follows:

Alex G. Leone, Esq.
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Attorney for Plaintiff Michele Cornelius

s/ Marcy A. Gilroy
MARCY A. GILROY